

Exhibit 2

The truth will not reveal itself.

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VOTING

She Helped Create the Big Lie. Records Suggest She Turned It Into a Big Gift.

by Cassandra Jaramillo
June 8, 2022



Credit: Samuel Corum/Getty Images

Over the last two presidential election cycles, True the Vote has raised millions in donations with claims that it discovered tide-turning voter fraud. It's promised to release its evidence. It never has.

Instead, the Texas-based nonprofit organization has engaged in a series of questionable transactions that sent more than \$1 million combined to its founder, a longtime board member romantically linked to the founder and the group's general counsel, an investigation by Reveal from The Center for Investigative Reporting has found.

A former PTA mom-turned-Tea Party activist, True the Vote founder Catherine Engelbrecht has played a pivotal role in helping drive the voter fraud movement from the political fringes to a central pillar in the Republican Party's ideology. Casting herself as a God-fearing, small-town Texan, she's spread the voter-fraud gospel by commanding airtime on cable television, space on the pages of Breitbart News and even theater seats, as a new feature film dramatizing her organization's exploits, "2000 Mules," plays in cinemas across the country.

Along the way, she's gained key allies across the conservative movement. Former President Donald Trump, who shouts her out by name during rallies and held **a private screening** for the film at his Mar-a-Lago resort, exploited the group's declarations to proclaim that he won the popular vote in 2016. Provocateur Dinesh D'Souza partnered with Engelbrecht on the film. And she's represented by the **legal heavyweight** James Bopp Jr., who helped **dismantle abortion rights**, crafted many of the arguments in the Citizens United case that revolutionized campaign finance law and was part of the legal team that prevailed in Bush v. Gore.



James Bopp Jr. (from left), Gregg Phillips and Catherine Engelbrecht make a presentation to the Wisconsin Assembly's elections committee in March. Credit: Courtesy of WKOW

A review of thousands of pages of documents from state filings, tax returns and court records, however, paints the picture of an organization that enriches Engelbrecht and partner Gregg Phillips rather than actually rooting out any fraud. According to the documents, True the Vote has given questionable loans to Engelbrecht and has a history of awarding contracts to companies run by Engelbrecht and Phillips. Within days of receiving \$2.5 million from a donor to stop the certification of the 2020 election, True the Vote distributed much of the money to a company owned by Phillips, Bopp's law firm and Engelbrecht directly for a campaign that quickly fizzled out.

Legal and nonprofit accounting experts who reviewed Reveal's findings said the Texas attorney general and Internal Revenue Service should investigate.

"This certainly looks really bad," said Laurie Styron, executive director of CharityWatch.

And while the claims of widespread fraud in the 2020 election have been dismissed out of hand by courts and **debunked by audits**, even those led by Republicans, the story of True the Vote highlights how exploiting the Big Lie has become a lucrative enterprise, growing from a cottage industry to a thriving economy.

The records show:

- True the Vote regularly reported loans to Engelbrecht, including more than \$113,000 in 2019, according to a **tax filing**. Texas law **bans nonprofits** from loaning money to directors; Engelbrecht is both a director and an employee.
- Companies connected to Engelbrecht and Phillips collected nearly \$890,000 from True the Vote from 2014 to 2020. The largest payment – at least \$750,000 – went to a new company created by Phillips, OPSEC Group LLC, to do voter analysis in 2020. It's unclear whether OPSEC has any other clients; it has no website and no digital footprint that Reveal could trace beyond its incorporation records. The contract, which one expert called “eye-popping” for its largess, did not appear to be disclosed in the **2020 tax return** the organization provided to Reveal.
- True the Vote provided Bopp's law firm a retainer of at least \$500,000 to lead a legal charge against the results of the 2020 election, but he filed only four of the seven lawsuits promised to a \$2.5 million donor, all of which were **voluntarily dismissed** less than a week after being filed. The donor later called the amount billed by Bopp's firm “unconscionable” and “impossible.”
- The organization's tax returns are riddled with inconsistencies and have regularly been amended. Experts who reviewed the filings said it makes it difficult to understand how True the Vote is truly spending its donations.

In one instance, True the Vote produced two different versions of the same document. A copy of the **2019 tax return Engelbrecht provided** to Reveal does not match the version **on the IRS website**.

The IRS version showed Phillips as a board member. Engelbrecht's version did not. The IRS return showed Engelbrecht had a loan balance of \$113,396. Engelbrecht's version indicated the loan's balance was gone. In response to questions from Reveal, Engelbrecht said she was going to submit an amended version of the group's 2019 tax return – the one she'd provided to Reveal – to the IRS.

Engelbrecht declined to be interviewed for this story, routing specific inquiries through Bopp and her accountant. Bopp wouldn't answer questions about the loan and who approved the contracts, saying that was confidential financial information. He said there was "nothing inherently wrong or improper with contracting with board members to do services for the corporation."

“I’ve represented not-for-profits for 45 years,” Bopp said, “and it is common.”

However, experts questioned whether True the Vote had the proper structure and policies to safeguard against self-dealing the way other nonprofits would.

As True the Vote has gained prominence, Engelbrecht has maintained an oversized control of the charity as its only employee in recent years and a member of a small board of directors that’s been packed with potential conflicts of interests. “That’s a real problem,” said Styron, of CharityWatch.

The federal government grants nonprofit organizations a special status, allowing them to operate tax-free in recognition of their public benefit. In exchange, they are subject to greater scrutiny and transparency to ensure that donor funds are being used properly.

Experts said an organization with more than \$1 million in revenue typically would have more employees and a larger board. “These are public dollars, and the board members and officers of a charity have a fiduciary duty to ... spend all of the resources of the charity carrying out the mission of the organization to the best of their ability in ways that benefit the nonprofit,” Styron said. “Not in ways that benefit them personally.”



6 Takeaways From Our Investigation Into a Prominent Voter Fraud Nonprofit

The story of True the Vote highlights how exploiting Trump's Big Lie has become a lucrative enterprise, growing from a cottage industry to a thriving economy.

Texas Attorney General Ken Paxton has appeared on Engelbrecht's podcast and been an active supporter of attempts to overthrow the 2020 election. In court filings in a donor lawsuit against True the Vote, his office said it would review the case to see if any action is warranted. Reveal sought his office's communications about True the Vote through Texas public records law, but he refused to disclose them, citing attorney-client privilege.

Meanwhile, True the Vote's work continues to get airtime in Trump's speeches. At a rally earlier this year in Southeast Texas, the former president **celebrated** Engelbrecht as a champion.

"What a job she's done, thank you, thank you, Catherine," Trump said. "If you have any information about ballot harvesting in your state, call Catherine Engelbrecht."

True the Vote's Tea Party Roots

In the late 2000s, Engelbrecht was a small-business owner in Southeast Texas who was not deeply involved in politics. But Barack Obama's election as president in 2008 concerned her enough that she **got active in local Tea Party efforts**, attending rallies and meetings.

Along with her then-husband, Bryan Engelbrecht, she created a nonprofit called King Street Patriots, which trained volunteers who ended up poll watching in mostly Black and Latino neighborhoods in Harris County. It ran into problems for **violating the law that prohibits nonprofits from being overtly political**, and the Engelbrechts spun off True the Vote.

Catherine Engelbrecht speaks at the Tea Party Patriots American Policy Summit in Phoenix in 2011. Credit: Gage Skidmore

Catherine Engelbrecht earned regular appearances on Fox News, where she once offered a **\$1 million bounty** for testimony. She **advocated** for Texas' strict voter ID law in 2013. A year later, Engelbrecht and her husband filed for divorce and Bryan Engelbrecht left True the Vote's board. Gregg Phillips, a longtime conservative operative, took his seat.

Phillips had been dogged by allegations of financial impropriety, accused of leveraging his government positions in **Mississippi** and **Texas** to make himself money. The same year Phillips joined True the Vote's board, the nonprofit began to pay entities he controlled.

In 2014, True the Vote **paid \$25,000** to American Solutions for Winning the Future for a "donor list rental." Phillips was the director, **records show**. The next year, True the Vote **gave \$30,000** to a company called Define Idea Inc. for "IT support services." Phillips was a director of the company, according to its **formation documents**.

That year, Engelbrecht began receiving questionable payments from True the Vote as well.

According to its 2015 **tax filings**, it issued Engelbrecht a \$40,607 loan. Under Texas law, nonprofit directors can't receive loans, though employees can. Engelbrecht is both a director and an employee. True the Vote wouldn't answer questions about who approved the loan, its conditions and whether Engelbrecht voted on it as a board member.

"I'm not going to respond to you on this," Bopp said. "If you want free legal research, go pay a lawyer to do it."

But that wasn't the only way Engelbrecht got access to her nonprofit's coffers. ARC Network LLC and Ao2 LLC were paid a total of \$82,500 in **2015** and **2016** for "database license fees" and "software license fees," respectively, according to the tax filings, which disclose that the companies are tied to Engelbrecht. Court filings indicate that she owned 100% of ARC Network; she is listed as the owner of Ao2 in registration documents in Wyoming.

ARC Network and **Define Idea** were barred by Texas in 2015 from doing business, state records show.

A business can be forfeited when a company doesn't file a mandatory annual report showing its owner, directors and registered address – or when it does not pay taxes. Reveal couldn't find other clients or a footprint for the two companies Engelbrecht owned.

Brian Mittendorf, an Ohio State University accounting professor who specializes in nonprofit accounting, said the records raise a series of red flags.

"We always have concerns from a governance standpoint about organizations engaging in such transactions with insiders, and the organization's behavior, in terms of its accounting and inconsistencies, only inflame those concerns," he said.

Engelbrecht and Phillips' ties go beyond True the Vote. Their companies have **shared** the same **mailing address**, and Engelbrecht in 2016 was **named the CFO** of one of Phillips' companies. In court filings, a donor later alleged that the two were "lovers," something they haven't denied.

When Reveal asked Bopp about their relationship, he said: "I do not know the facts because it's none of my business, whether they're in a romantic relationship or not."

True the Vote Fuels Trump's Conspiracies

In 2016, just weeks after pulling off his stunning presidential victory, Trump made **an unprecedented claim**: Millions of people had voted illegally in the election. And, he said, that's why he'd lost the popular vote to Hillary Clinton – by what would ultimately be about 2.9 million votes.

He didn't offer up any evidence. But weeks later, Phillips **appeared on CNN** claiming he had the data analysis to show that more than **3 million** voted illegally in the 2016 election. But when asked to show proof, Phillips said he needed time to verify the data.

"(We) believe that it will probably take another few months," Phillips said.

Trump **tweeted** shortly after the interview: "Gregg Phillips and crew say at least 3,000,000 votes were illegal. We must do better!"



Gregg Phillips appeared on CNN in January 2017, claiming he had the data analysis to show that more than 3 million people voted illegally in the 2016 presidential election. Credit: CNN.com screenshot

True the Vote quickly used the opportunity to push a \$1 million fundraising campaign to [audit its data](#).

“Our audit team will include world-class technologists, researchers, data miners, statisticians, scholars, analysts, and subject matter experts. This isn’t B team stuff,” Engelbrecht wrote in a fundraising email. “The integrity of our election is too important.”

But Engelbrecht and Phillips never completed the audit or released the evidence behind their claims. In a [video posted on YouTube](#) in June 2017, Engelbrecht said they dropped the effort because donor promises didn’t materialize.

In 2017, the organization was [in the red by more than \\$139,000](#). It reported having one employee, Engelbrecht, down from 11 employees in 2012. The \$40,607 loan to Engelbrecht remained on the books in 2017, accounting for more than 66% of the nonprofit’s total assets.

The next year, True the Vote reported it had [\\$4,754 in cash](#).

But that didn’t stop True the Vote from giving ever-growing loans to Engelbrecht. In 2018, it disclosed an outstanding \$61,896 loan to Engelbrecht. It’s unclear whether Engelbrecht took one loan that grew over the years or multiple loans.

The nonprofit’s tax returns make it difficult to follow.

Lloyd Mayer, a nonprofit law professor at the University of Notre Dame, said there’s “a lot of sloppiness” in the financial statements. Documentation around Engelbrecht’s loan at times contradicted itself, saying in one section she paid it off but then still had a balance in another.

“The changes over time and the fact that in 2017, it doesn’t say which way the money’s flowing, would make me ask if I was in the attorney general’s office, at least ask: Could you clarify?” Mayer said.

In a number of years, True the Vote doesn’t answer important governance questions in its tax filings, such as whether it has policies around conflicts of interest, whistleblowers, document retention and how it determines Engelbrecht’s pay. “Importantly, it fails to answer questions about family or business relationships between officers and board members,” said Styron, the leader of CharityWatch. She called True the Vote “a governance black hole.”

It’s also unclear when Phillips left the board. In court documents, he says he left the board in 2017. However, the **2018 tax return** listed him as a board member, as did the original 2019 filing. Phillips didn’t respond to multiple attempts to reach him for comment; he has previously denied wrongdoing in the Mississippi and Texas cases.

When True the Vote claimed it filed an amended 2019 return in response to Reveal’s questions, it **filled in the governance questions** and **no longer listed Phillips as a board member**. Experts said the differences in the amended return were highly unusual.

“To me, that makes no sense,” said Philip Hackney, a former IRS official who teaches tax law at the University of Pittsburgh.

True the Vote’s Plan to Challenge the 2020 Election

As the November 2020 election approached, Engelbrecht and attorney James Bopp Jr. warned on the **nonprofit’s podcast** that Democrats planned to use the courts to expand mail-in voting and said the organization had a plan to challenge it.

“We’re going all in on this,” Engelbrecht said on her show in May 2020. “If you would have asked me two months ago, I would have not told you that litigation was any part of what we plan to do at True the Vote in 2020, but now it’s the most important thing we can do.”

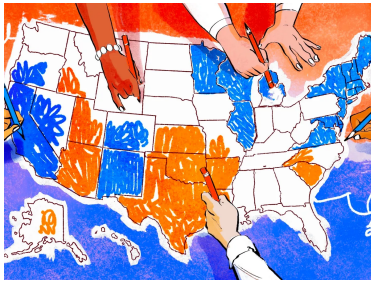
Yet as Election Day neared, conservative leaders were sounding the alarm about True the Vote. During a private meeting of the Council for National Policy in August 2020, a group of panelists was asked what they thought about True the Vote. Conservative journalist John Fund said he was the one who’d given Engelbrecht her first national publicity.

“I like Catherine, but she has gone astray. She has hooked up with the wrong associates. And I have to say this with the greatest of sadness, because I have to be honest with you, because you’re the people who actually have to make decisions on your own about who to support. As much as I like Catherine personally, I would not give her a penny,” he said, according to **a recently leaked video** obtained by Documented. “She’s a good person who’s been led astray. Don’t do it.”

Soon after, in September 2020, Phillips opened his latest business: **OPSEC Group LLC**, incorporated in Alabama. It sprang up at the perfect moment: Trump already was **casting doubt on the upcoming election’s outcome**.

Then Election Day came, and Trump demanded that states stop counting votes as it appeared Biden would win.

He **claimed victory**, saying – without proof – that he’d been the victim of massive fraud. Trump’s campaign promised action: a legal campaign challenging the outcome in Pennsylvania, Michigan, Wisconsin and Georgia. Rumors and conspiracy theories about illegal voting – often in **Democratic areas home to Black and Brown voters** – ramped up in earnest.



Campaigning on the Big Lie

Across the nation, many Republicans are campaigning on the lie that the 2020 election was stolen and promising to change the way elections are run in the future.

[LISTEN NOW](#)

April 2, 2022

Fred Eshelman watched in angst. A pharmaceutical entrepreneur from North Carolina, Eshelman was concerned that the election had been riddled with fraud.

A political consultant emailed some of those conspiracies to Eshelman the morning of Nov. 5, according to records filed as part of a lawsuit in rural Austin County, Texas.

Eshelman responded eight minutes later. “This stuff really needs to be verified, quantified, and a massive information campaign launched at American people,” he wrote. “You want a revolt from the Silent Majority, you got it.”

He told the consultant, Tom Crawford, that they needed the best and most powerful public relations firm “cranked up now,” and they had to “figure out how to get it out in spite of the media.”

At 6:36 a.m. that same morning, Bopp emailed Engelbrecht with the urgent plea to call him. The email’s subject line: “voter fraud and a legal challenge.”

“I have been contacted by a friend with access to substantial funding regarding an idea about lawsuits re voter fraud,” Bopp wrote. “You might be central to that. I would like to discuss.”

Within hours, Engelbrecht prepared a donor pitch for what she called Validate the Vote, a litigation plan to challenge the election using data and whistleblower testimony.

The two teams had a brief call, and Eshelman decided he was in. He wired True the Vote \$2 million, records show.

Attorney James Bopp Jr. represents U.S. Rep. Marjorie Taylor Greene (left) of Georgia during a hearing in April in Atlanta. Bopp also serves as general counsel for True the Vote. Credit: John Bazemore/Getty Images

True the Votes' plan laid out the details: Bopp, touted as the lead attorney in Citizens United and Bush v. Gore, would file lawsuits in seven states across the country to "nullify the results of the state's election, so that the Presidential Electors can be selected in a special election or by the state legislature." OPSEC would "aggregate and analyze data to identify patterns of election subversion." True the Vote would build public momentum and "galvanize Republican legislative support in key states." The total cost of the campaign: \$7.3 million.

"Thank you for this opportunity. We will not let you down," Engelbrecht wrote in a Nov. 5 email.

They were off. First, Bopp planned to file lawsuits in **Michigan, Wisconsin, Pennsylvania** and **Georgia**.

But days later, the plan started to show strains. On Nov. 7, the **Associated Press** called the election for Biden. By then, many lawsuits filed by the Trump campaign **started to get dismissed** in multiple states. The day after, Engelbrecht sent a text message saying Eshelman wanted to talk about their game plan moving forward.

"He's getting skittish that we can't do this because the Trump camp is falling apart and people are jumping ship," she said.

Still, they pushed ahead and began spending Eshelman's donation. On Nov. 9, Phillips' OPSEC submitted a bill to True the Vote for \$350,000, according to court records. The invoice for the services

is sparse; it bills for “Validate the Vote.” The quantity: one. It includes a litany of items ranging from “data” to “analysis,” “whistleblower” and “security,” all lumped in the six-figure bill.

The next day, True the Vote paid Bopp a \$500,000 retainer, according to court records. It also paid Engelbrecht a total of \$30,000, the records indicate.

By Nov. 11, Eshelman was getting impatient, according to the communications. He wanted to know what the team was uncovering through its state-of-the-art computer programs and whistleblower tip line.

“I know you’re running very hard, and I don’t want to pile on. However, I do want to know what money is accomplishing, where this is headed and the odds of winning,” he wrote to Engelbrecht.

But Eshelman began to question the team as he failed to get the concrete follow-ups he expected from Engelbrecht.

“I cannot continue to spend millions if this is quixotic,” he wrote to Engelbrecht and the consultant, Crawford, the morning of Nov. 11.

He saw an analogy in his own work that could be applied to his new calling. It was similar to a drug development process: Get the technology and then get the hard data to support the claims. This wasn’t “rocket science,” he wrote to Crawford. True the Vote said it had both handled.

By the end of that week, Engelbrecht said she needed more money for the project, according to court records. The \$2 million hadn’t been enough. The consultant told Eshelman that they may need “additional short term money for Bopp.” Eshelman wired another \$500,000 on Nov. 13.

The next day, Engelbrecht touted knowledge of four whistleblowers but never identified who they were. When the consultant followed up with Engelbrecht later to get details on the whistleblowers, it led to tension.

“I just had a difficult call with Catherine,” Crawford wrote to Eshelman on Nov. 15. “She is resistant to sharing ANY details with us about whistleblowers or the data work and took an ‘I run this’ tone with me.”

That day, Eshelman implored Engelbrecht again to share whatever information she had on data and whistleblowers for the lawsuits so he could send it to South Carolina Sen. Lindsey Graham and Crawford, who’d said earlier that he had Fox News’ Sean Hannity waiting to break the news.

The consultant updated Eshelman that Graham’s team was “growing more skeptical every hour that passes with nothing from Catherine.” And he shared what he said Cleta Mitchell, an attorney aiding Trump’s attempts to overturn the election, thought of Engelbrecht.

“Again, I am sorry for this headache. Cleta Mitchell, a well known election attorney called to cheer us on for helping Bopp and told me Catherine ‘is crazy as a shithouse rat,’ ” Crawford wrote to Eshelman.

(Mitchell, who had once represented True the Vote, denied ever making that comment. “I’ve never used that term in my life,” she said in an email to Reveal. “I’ve got lots of colloquialisms. That isn’t one of them.”)

On Nov. 16, True the Vote convened a conference call with Eshelman and his consultant. The big donor learned that the group had voluntarily dismissed the four lawsuits. Emails show Eshelman was furious about the decision.

“I cannot believe they did this without giving us a chance to get to Trump or be in on the decision,” Eshelman wrote later that day to his consultant, according to records.

“Very frankly I was physically sick after our call,” Eshelman wrote to Engelbrecht. “I have to tell you this is a total disaster from a coordination, communication, and representation perspective.”

By that point, True the Vote had spent one-third of Eshelman’s gift in 11 days and failed to produce anything meaningful in evidence, the records show.

In an email to Eshelman and Bopp following the meeting, Engelbrecht indicated they fell short of funding goals. She told them that “our not having full funding was well known and often discussed.” She mentioned that she assumed the Trump campaign would be pitching in.

“I’d written in my 11/14 email to you that it appeared our legal fees would have been covered by the Trump campaign, which I described in a statement of our cash position, described as best possible given the tight timeline with so many moving parts,” Engelbrecht wrote in a Nov. 16 email.

Later that night, Crawford began to express regrets about going with True the Vote. He told Eshelman he had been told that Bopp “was the guy” they needed for the legal efforts.

“To get him I had to go through True the Vote. Given timing, I ran with that and am just kicking myself as it is clear from many friends and insiders that Catherine is a disaster,” Crawford wrote to Eshelman. “Her story is utter Bullshit.”

Eshelman ultimately sued the nonprofit in federal and state court, accusing True the Vote of using his donation to enrich Engelbrecht, Phillips and Bopp. In court filings, True the Vote argues that Eshelman wasn’t entitled to his money back because there were no strings attached to the donation and that the relationship became strained after True the Vote didn’t want to pay a \$1 million invoice connected to one of Eshelman’s consultants for communications. (The federal suit was withdrawn. In the state suit, True the Vote argued that the court didn’t have jurisdiction to handle the dispute, saying it was the purview of the Texas attorney general, Ken Paxton. A judge agreed and threw out the case. Eshelman has appealed the decision.)

In a recent deposition in a separate lawsuit, Engelbrecht admitted that True the Vote had not identified widespread voter fraud at the time she pitched the Validate the Vote plan to Eshelman, despite proclaiming there was “significant evidence” in the one-page proposal she emailed to him on the project.

“This was a promotional piece,” Engelbrecht said of the document during the deposition, according to court records.

Bopp never served on True the Vote’s board and doesn’t face the same potential conflicts of interest as Engelbrecht and Phillips do for some of their transactions, but he has come under scrutiny for the amount he billed for the aborted legal campaign.

In the court records, Eshelman’s team said Bopp’s firm billed for more than \$183,000 over a five- to seven-day period, in addition to more than \$97,000 to supervise those attorneys.

“After spending in excess of \$280,000 to draft and file the nearly-identical complaints in those cases, Mr. Bopp and his law firm then dismissed them all just days later,” the lawsuit reads. “Not only is the amount charged for these cookie-cutter complaints unconscionable – and likely impossible given the size of his firm (only five attorneys) and the number of hours available – but the goal was actually unachievable.” Eshelman said he later learned that the voter data Bopp sought in the suits would not even have been available before the election results would’ve been certified.

Bopp said there were no cookie-cutter lawsuits – each state had different laws and procedures, requiring lawsuits to be tailored for each. “These people are so ignorant,” he said of Eshelman’s group. “This was ignorance.”

He said he dropped the lawsuits because courts didn’t act on them fast enough for him to acquire voter data.

Bopp said his work was efficient – “remarkably cheap” – and dropping the lawsuits was the financially responsible thing to do. “Why the hell am I being criticized for trying to save my clients money rather than just go forward?” he said. “Knowing that it’s highly unlikely that any of the legal work that I do will bear any fruit whatsoever? I mean, I should be praised for saving the client’s money.”

Rick Hasen, an election law expert at the University of California, Irvine, called the lawsuits “bogus” to begin with. “Jim probably withdrew the lawsuit so that he wouldn’t have to perpetuate a fraud on the court,” he said.

As for the \$30,000 payment to Engelbrecht from Eshelman’s donation, Bopp said it was to oversee the project. True the Vote said it was part of her \$197,000 annual pay.

And Phillips’ OPSEC continued to bill True the Vote after Eshelman had broken ties, according to court records. On Dec. 7, OPSEC billed the nonprofit for \$400,000 for a project called Eyes on Georgia.

At the same time, Phillips and Engelbrecht had another business going. While she reported working full time for True the Vote, Engelbrecht also was the president, according to **records**, of another software company Phillips owned that had a nearly \$800,000 contract with Mississippi’s Department of Information Technology Services.

At the end of 2020, Engelbrecht and Phillips received an extension to the contract. They **renamed their company**, which promises to detect fraud and abuse in government programs, from AutoGov to

CoverMe Services Inc. It is a health care software company.

The company was awarded a **nearly \$1.7 million contract** for work through 2023.

The Next Voter Challenge: Cellphone Data

Trump and True the Vote have moved past the failed election lawsuit strategy and are on to the next conspiracy theory: illegal ballot harvesting.

That's when a third party – like a household member, activist group or nursing home – collects and submits absentee ballots on behalf of others, which is **legal in a majority of states**. It may be a new angle for Engelbrecht and Phillips, but they already have a similar refrain.

In an interview with conservative talk show host Charlie Kirk, Engelbrecht and Phillips said they planned to show their evidence following the May 7 launch of the film “2000 Mules.”



A photo collage shows part of the poster for the film “2000 Mules” and a still from its trailer, featuring Catherine Engelbrecht. Credit: Photo collage by Reveal with images from “2000 Mules”

“At some point, shortly after the video runs, we are going to pull the ripcord, we are going to release all of this,” Phillips said.

In a scene that mimics a spy thriller, the film’s trailer depicts two characters, who appear to be Phillips and Engelbrecht, making a tension-filled decision to release earth-shattering information.

The film touts part of True the Vote’s new strategy: using anonymized cellphone data sold by vendors to show when a person was near a ballot dropbox multiple times – ostensibly hinting at “ballot harvesting” activity.

Engelbrecht and Phillips still haven't released the evidence. At one point in the film, they claim to have used the cellphone data to help solve the murder of a young Atlanta girl; that, too, **has been debunked**.

So far, True the Vote's cellphone data analysis is not convincing state officials in Wisconsin that illegal votes were cast.

In a **hearing in Madison** earlier this year, Engelbrecht and Phillips said their analysis suggested people were delivering ballots that weren't their own.

But again, when asked to show the evidence, they declined.

Reporter Ese Olumhense contributed to this story. It was edited by Andrew Donohue, Sumi Aggarwal and Kate Howard and copy edited by Nikki Frick.

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The Washington Post

Democracy Dies in Darkness

A GOP donor gave \$2.5 million for a voter fraud investigation. Now he wants his money back.

By [Shawn Boburg](#) and [Jon Swaine](#)

February 15, 2021 at 1:30 p.m. EST

Like many Trump supporters, conservative donor Fred Eshelman awoke the day after the presidential election with the suspicion that something wasn't right. His candidate's apparent lead in key battleground states had evaporated overnight.

The next day, the North Carolina financier and his advisers reached out to a small conservative nonprofit group in Texas that was seeking to expose voter fraud. After a 20-minute talk with the group's president, their first conversation, Eshelman was sold.

"I'm in for 2," he told the president of True the Vote, according to court documents and interviews with Eshelman and others.

"\$200,000?" one of his advisers on the call asked.

"\$2 million," Eshelman responded.

Over the next 12 days, Eshelman came to regret his donation and to doubt conspiracy theories of rampant illegal voting, according to court records and interviews.

Now, he wants his money back.

The story behind the Eshelman donation — detailed in previously unreported court filings and exclusive interviews with those involved — provides new insights into the frenetic days after the election, when baseless claims led donors to give hundreds of millions of dollars to reverse President Biden's victory.

Trump's campaign and the Republican Party collected \$255 million in two months, saying the money would support legal challenges to an election marred by fraud. Trump's staunchest allies in Congress also raised money off those false allegations, as did pro-Trump lawyers seeking to overturn the election results — and even some of their witnesses.

True the Vote was one of several conservative "election integrity" groups that sought to press the case in court. Though its lawsuits drew less attention than those brought by the Trump campaign, True the Vote nonetheless sought to raise more than \$7 million for its investigation of the 2020 election.

Documents that have surfaced in Eshelman's litigation, along with interviews, show how True the Vote's private assurances that it was on the cusp of revealing illegal election schemes repeatedly fizzled as the group's focus shifted from one allegation to the next. The nonprofit sought to coordinate its efforts with a coalition of Trump's allies, including Trump attorney Jay Sekulow and Sen. Lindsey O. Graham (R-S.C.), the documents show.

Eshelman has alleged in two lawsuits — one in federal court has been withdrawn and the other is ongoing in a Texas state court — that True the Vote did not spend his \$2 million gift and a subsequent \$500,000 donation as it said it would. Eshelman also alleges that True the Vote directed much of his money to people or businesses connected to the group's president, Catherine Engelbrecht.

Asked about the shifting focus from allegation to allegation, Engelbrecht said, "A good thorough investigation takes the course it takes, and we were not going to expose whistleblowers to make a quick headline." She said that the group's investigation "is ongoing even now." In court documents, True the Vote says Eshelman's money was spent properly.

True the Vote's lawyer, James Bopp, said that no conditions were attached to Eshelman's donations and he is not entitled to the return of his money just because he didn't like the outcome.

The court documents and interviews show how quickly Eshelman and his allies became disillusioned with True the Vote.

"We were just not getting any data or proof," said Tom Crawford, who had worked for Eshelman as a lobbyist and served as his representative on the True the Vote effort. "We were looking at this and saying to ourselves, 'This just is not adding up.'"

Search for a 'smoking gun'

True the Vote was formed in 2010 by Engelbrecht, a Texas-based tea party activist. Engelbrecht, 51, came to prominence during the Obama administration partly for accusing the Internal Revenue Service of improperly targeting True the Vote and other conservative nonprofit groups.

True the Vote has spent the past decade aggressively promoting claims of voter fraud and pushing for voter-identification laws. The group has established itself as a hub for training volunteer poll watchers to monitor voters for their eligibility. Democrats have accused it of trying to intimidate minorities and other low-participation voters.

As a nonprofit, True The Vote is required to be nonpartisan, and Engelbrecht has said that its mission has nothing to do with party politics. But it has worked with Republicans on other campaigns — for instance, partnering with the Georgia GOP on a “voter integrity” effort for last month’s Senate runoffs in that state.

Eshelman, 72, was not familiar with True the Vote before Election Day. A drug company founder turned financier whose Wilmington, N.C.-based firm invests in health-care companies, he had previously donated largely to initiatives and groups that championed free-market principles and attacked Democratic candidates.

But after Biden jumped ahead — a shift election experts had expected as mail-in ballots were tallied — Eshelman asked Crawford for advice on funding an operation to determine if widespread fraud existed. Crawford agreed to help as an unpaid, informal adviser.

“I thought about the range of possibilities around vote fraud,” Eshelman said in an interview with The Washington Post. “There was already noise around cities like Detroit, Milwaukee, Atlanta and Philadelphia.”

He added: “I wanted to determine if this was legit. Can we find a real smoking gun?”

Eshelman’s Nov. 5 donation was easily the biggest gift True the Vote had ever received, according to a person familiar with its operations, speaking on the condition of anonymity to discuss matters in litigation. True the Vote had never raised more than \$1.8 million in a single year, its tax returns show.

The windfall propelled the nonprofit into action.

That evening, Engelbrecht sent Crawford a one-page summary of the group’s ambitious new “Validate the Vote 2020” campaign. It included a budget of \$7.3 million and envisioned plans to set up cash rewards for whistleblowers, analyze voter data to identify “patterns of election subversion” and file lawsuits to “nullify the results” in seven battleground states.

In a [news release](#) announcing the whistleblower program the next morning, Engelbrecht said: “Unfortunately, there is significant tangible evidence that numerous illegal ballots have been cast and counted in the 2020 general election, potentially enough to sway the legitimate results of the election in some of the currently contested states.”

But over the following days, in federal lawsuits True the Vote filed in [Georgia](#), [Michigan](#), [Pennsylvania](#) and [Wisconsin](#), the group said the evidence for its claims was still being developed.

The suits, filed by Bopp, said True the Vote would use “sophisticated and groundbreaking programs” to show that enough illegal votes had been cast — by noncitizens, felons, fake voters and others — to swing the election to Biden. “This evidence will be shortly forthcoming,” each complaint said.

Bopp, whose firm received a retainer of \$500,000 for its work on the lawsuits, told The Post that there was “tons of evidence” of voter fraud but that it was “anecdotal, circumstantial.”

Drawn in deeper

True the Vote and Eshelman believed that finding people in swing states with vivid tales of voter fraud would be a crucial part of the project’s success, according to emails. Crawford gave Eshelman regular updates about True the Vote’s progress on that front.

“We need [True the Vote] to get whistleblowers vetted and ready and to get their data teams beefed up,” Crawford told Eshelman in a Nov. 10 email.

Later that day, Crawford reported to the financier that a man in Yuma, Ariz., had come to True the Vote with allegations of large-scale “ballot harvesting” by Democrats in the region. “Please God let his story pan out,” Crawford wrote.

“Sensational,” Eshelman replied, adding that he was “still committed to putting in big money” if progress was made.

While it scrutinized the accounts of purported whistleblowers, True the Vote also sought to prove fraud through data analysis. Bopp’s lawsuits promised “expert reports” comparing vote tallies with registration databases and other records. True the Vote, he wrote, had “persons with such expertise and data-analysis software already in place.”

Engelbrecht’s Validate the Vote plan, an exhibit in the lawsuit, budgeted \$1.75 million for “data and research” work. It was to be led by a company whose name evoked the shadowy world of intelligence operations: OPSEC Group LLC.

Records show that OPSEC had been formed less than two months earlier in Alabama by Gregg Phillips, a former True the Vote board member whose 2016 tweet was the [source](#) of the false claim that Trump would have won the popular vote that year but for millions of fraudulent votes by undocumented immigrants.

Phillips, 60, and Engelbrecht are business partners in a health-care company. Eshelman alleges in a legal filing — without providing evidence — that the two are also lovers.

In an interview, Phillips denied any such romantic relationship. Engelbrecht declined to comment on the allegation, which was first reported by the Intercept in partnership with the website Type Investigations.

On Nov. 12, Eshelman and Crawford joined a conference call with Engelbrecht and Bopp to hear an update on the data analysis and other aspects of the legal plan. “I was encouraged,” Eshelman wrote in an email to Crawford a couple of hours later, but noted: “You did not really give details on whistleblowers. Where are we on that?”

Crawford replied that three whistleblower complaints, including the Yuma allegation, had survived initial screening.

The following day, Eshelman wired another \$500,000 to True the Vote.

'We cannot get ANY information'

On that day, Nov. 13, Engelbrecht received a bill for a \$1 million publicity campaign from Old Town Digital Agency, an online advertising firm whose founder, Dikran Yacoubian, has worked in Republican politics on and off since the 1990s. Yacoubian had worked with Eshelman and helped introduce him to True the Vote. Eshelman and Crawford then brought Yacoubian on to help plan a publicity campaign.

Most of the money was to cover the upfront costs of online ads to trumpet True the Vote’s fraud findings, according to Yacoubian. The rest, he said, was to be spent on retainers for Republican consultants who would push the project’s findings through political and media channels.

Yacoubian said he had already begun securing the services of these consultants, including Robert Heckman, a longtime strategist for Graham. Yacoubian hoped Heckman would pass the group’s findings on to the Senate Judiciary Committee, which Graham then chaired.

But Engelbrecht didn’t pay the \$1 million bill, saying later in an email to Eshelman’s handpicked firm that it had no contractual agreement with True the Vote and had not provided “any services.”

Her refusal to pay contributed to an emerging rift between Engelbrecht and Crawford, who at the same time was growing frustrated by what he described as the group’s vague and ever-shifting leads.

“There was a guy in Georgia who claimed to be the bagman for Stacey Abrams,” Crawford told The Post. “It was, ‘We’re getting an affidavit,’ and then it was, ‘He ran away and we can’t find him.’”

The “ballot harvesting” whistleblower in Yuma turned out to have already contacted law enforcement, according to the person familiar with the group’s operations. Two people were later indicted on a charge of submitting votes for other people — but during August’s primary, not the general election.

Yacoubian, too, was frustrated that True the Vote’s whistleblowers were not materializing. “I really didn’t get to do, on the promotion side, anything — because there wasn’t anything to promote,” he said in an interview.

At one point, a publicist working for Engelbrecht instead sent Yacoubian an eight-minute video titled “Who Is Catherine Engelbrecht?” that she wanted posted online.

Engelbrecht continued to make promises about whistleblowers, claiming in a Nov. 14 email to Eshelman: “We are writing up the briefs on these individuals now to give Senator Graham and Cruz.”

Heckman, the veteran Graham consultant, said he listened to a pair of conference-call presentations from Engelbrecht and Phillips but came away so unimpressed that he never even mentioned the effort to Graham. “I was asked to determine whether there was any legitimate evidence there,” he told The Post. “My conclusion was there wasn’t.”

In an email, Engelbrecht said the group shared promising early leads with Heckman while it continued to gather information. She acknowledged that her publicist sought help in posting the video.

She denied that True the Vote gave Yacoubian and Crawford nothing to work with, saying that the group’s own publicists were “working non-stop” at the time to issue news releases on its activities. “The fact is that [neither] Dikran nor Tom seemed interested in actually doing anything,” she wrote.

In any case, Crawford’s exasperation was growing.

“We cannot get ANY information from her or her team,” he wrote in a Nov. 15 email to Eshelman. “It goes on and on like this.”

Abandoned efforts

As True the Vote struggled to produce solid whistleblower accounts, its lawsuits also failed to gain traction. Bopp, who serves as the group’s general counsel, told The Post that he reached out to Trump and his legal team with a proposal: that they join forces.

In phone conversations with Sekulow and Rudolph W. Giuliani, Trump's personal attorneys, Bopp said he urged the Trump legal team to adopt True the Vote's legal strategy, which hinged on persuading a federal judge to open up access to voter rolls.

"It was becoming clear to me that the lawsuits we filed were not getting the attention they needed" from judges, Bopp said in an interview. "And the Trump legal effort was a disaster, both their strategy and the tactics."

Bopp said Sekulow and Giuliani supported the proposal and told him they would recommend it to Trump.

Bopp said that, at Sekulow's request, he briefed a group of Trump allies in a phone call that included Sekulow, Graham and Fox News host Sean Hannity.

Giuliani did not respond to requests for comment. Representatives for Graham and Hannity declined to comment. Sekulow wrote in a text message: "I do not disclose discussions that I may have had on legal matters on behalf of a client."

Bopp said that on the morning of Nov. 15 he spoke to Mark Meadows, Trump's chief of staff, and sent him a written proposal about True the Vote's legal approach. A spokesman for Meadows declined to comment.

According to Bopp, Meadows said he would speak to Trump and get back to Bopp by 3 p.m. that day. But the call never came.

The following day, Bopp decided to abandon all four of True the Vote's lawsuits, concluding that without the campaign's involvement the suits had little chance of advancing before the election was to be certified in December. The lawsuits were just one component of the operation Eshelman was funding, but True the Vote had pitched them as critical to overturning the election results.

Bopp told Eshelman about the decision that day, during a tense phone call.

Eshelman was furious, according to court documents and interviews.

On Nov. 17, he sent Engelbrecht an email demanding the return of his money. True the Vote offered on Nov. 23 to return \$1 million to settle the matter. Eshelman filed his first lawsuit two days later, saying the group had failed to provide an accounting of how the remainder of his money had been spent.

He withdrew the federal lawsuit on Feb. 1 and filed the suit in Texas state court.

None of Eshelman's money has been returned, court documents show.

Bopp told The Post his firm ultimately billed True the Vote roughly \$300,000 — more than half its retainer — for its work on the four lawsuits. He said he withdrew them because he "could see they were not going to accomplish anything."

Overall, the experience left several people who were involved in the effort unconvinced that there ever was evidence of voter fraud to be discovered.

Even Phillips, the former True the Vote board member, said he has doubts about the impact of any irregularities. "I don't know if there was enough to make a difference in the presidential election," he said.

Crawford said: "I believe very much that Biden won and that anything we saw in terms of irregularities was not widespread enough to have changed the outcome."

Eshelman said he still believes there was "some misbehavior" in the election. "But do I believe it might have risen to a degree that would change the electoral outcome?" he said. "I don't know."



ELECTIONS

Donor to pro-Trump group sues to get his money back after dropped election lawsuits



Jeanine Santucci

USA TODAY

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A North Carolina donor who gave \$2.5 million to a group promising to help President Donald Trump's effort to overturn the results of the general election is now suing to get his money back.

Fred Eshelman, who has donated tens of thousands of dollars to Republicans in 2020, according to Federal Election Commission data, says in his lawsuit that the organization True the Vote had not fulfilled the conditions of his monetary gift.

The organization disputes the lawsuit's claims as "not accurate."

According to the suit filed Wednesday, Eshelman allegedly wired \$2 million on Nov. 5 and an additional \$500,000 on Nov. 13 that was intended to be put toward True the Vote's "Validate the Vote" strategy.

The initiative was designed to investigate and litigate claims of voter fraud and "solicit whistleblower testimonies," "build public momentum," "galvanize Republican legislative support in key states," "analyze data to identify patterns of election subversion" and "file lawsuits ... with the capacity to be heard by the Supreme Court of the United States."

True the Vote dropped lawsuits in Georgia, Michigan, Pennsylvania and Wisconsin on Nov. 16.

Trump has pushed baseless claims that there was widespread voter fraud and has called for President-elect Joe Biden's victory in several states to be overturned. But experts have said the 2020 general election was one of the most secure in the nation's history.

'Calling an election unfair does not make it so': Appeals court denies Trump campaign's effort to overturn Biden's win in Pennsylvania

The Trump campaign and its allies have faced repeated court defeats in election cases. They have filed lawsuits, demanded recounts and protested procedures in several states to try and throw out ballots and block certification of results in Michigan, Arizona, Georgia, Wisconsin and Pennsylvania, key battlegrounds that went to Biden.

However, the Trump campaign's lawsuits did not allege widespread fraud, despite public claims to the contrary. The failed court efforts have undermined the president's continued, baseless claims of fraud, and some top Republican donors have shifted focus to Republican efforts to win the Georgia Senate runoffs.

Eshelman said in his lawsuit that True the Vote President Catherine Engelbrecht told him she believed Validate the Vote was necessary because of "significant evidence that there were numerous instances of illegal ballots being cast and counted in the 2020 general election."

What Eshelman's lawsuit says

Eshelman's lawsuit alleges that True the Vote's "consistent delay and inability to make progress on the goals ... suggested that many of those goals might not be met since many important deadlines relating to state election results were rapidly approaching."

Engelbrecht and the organization were "vague" and unresponsive to requests by Eshelman for updates on their progress in the days after Election Day, he claimed.

Will Trump ever concede to Biden? Approving the transition may be as close as he gets to that, aides say

True the Vote says on its website that it aims to "empower and equip citizens to ensure that our election process is protected from fraud and exploitation."

"While we stand by the voters' testimony that was brought forth, barriers to advancing our arguments, coupled with constraints on time, made it necessary for us to pursue a different path," Engelbrecht wrote in a statement on Nov. 17.

The lawsuit also states that an attorney for the group, Jim Bopp, said \$1 million would be returned if Eshelman agreed not to sue.

Engelbrecht said in a statement to USA TODAY that the funds were used for the goals of the Validate the Vote initiative, and that those efforts are ongoing despite the lawsuits being dropped.